

1986. Testimony was heard from the following officials of the Department of Justice: Richard Abell, Assistant Attorney General; and Mark Richard, Deputy Assistant Attorney General, both with the Office of Justice Programs; and Joe D. Whitley, Deputy Associate Attorney General; Dr. Joseph Autry, Associate Administrator, Policy Coordination, Alcohol, Drug Abuse and Mental Health Administration, Department of Health and Human Services; Dick Hays, Director, Drug Abuse Prevention Oversight Staff, Department of Education; David G. Schroot, Director, Governor's Office of Criminal Justice Services, State of Ohio; John S. Gustafson, Deputy Director, Government and Community Relations, Division of Substance Abuse Services, State of New York; Linda Lewis, Administrator, Alcohol and Drug Abuse Program, Department of Health and Rehabilitative Services, State of Florida; and Steven Hicks, Division Director, Alcohol and Drug Defense Program, Department of Public Instruction, State of North Carolina.

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Friday, May 27, 1988

Senate

Chamber Action

Routine Proceedings, pages 12781-13058

Measures Introduced: Twenty-one bills and six resolutions were introduced, as follows: S. 2444-2464, S.J. Res. 330-333, and S. Res. 436-437.

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Measures Reported: Reports were made as follows:

S. 844, to exempt certain activities from provisions of antitrust laws, with an amendment in the nature of a substitute. (S. Rept. No. 100-365)

S. 1690, to provide financial assistance to Fort Abraham Lincoln and related structures located in Fort Lincoln State Park, Mandan, North Dakota, and for other purposes, with an amendment to the title. (S. Rept. No. 100-366)

S. 1693, to amend the National Trails System Act, to provide for a study of the Coronado Trail, and for other purposes, with amendments and an amendment to the title. (S. Rept. No. 100-367)

S. 1850, to amend the Wild and Scenic Rivers Act, to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes, with amendments and an amendment to the title. (S. Rept. No. 100-368)

S. 1914, to designate the Wildcat River in the State of New Hampshire as a unit of the National Wild and Scenic River System, with an amendment

in the nature of a substitute and an amendment to the title. (S. Rept. No. 100-369)

S. 1927, to provide for the approval of a desert land entry in the vicinity of the Dinosaur National Monument and for other purposes, with an amendment to the title. (S. Rept. No. 100-370)

S. 2042, to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict, with amendments. (S. Rept. No. 100-371)

S. 2057, to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes. (S. Rept. No. 100-372)

H.R. 1044, to establish the National Maritime Museum at San Francisco in the State of California, and for other purposes, with amendments. (S. Rept. No. 100-373)

H.R. 1100, to authorize an affiliated status with the National Park Service for the Wildlife Prairie Park, in the State of Illinois. (S. Rept. No. 100-374)

H.R. 1860, entitled the "Federal Land Exchange Facilitation Act of 1987," with an amendment in the nature of a substitute and an amendment to the title. (S. Rept. No. 100-375)

H.R. 3869, to amend the Act providing for the establishment of the Tuskegee University National Historic Site, Alabama, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes, with an amendment to the title. (S. Rept. No. 100-376)

S. 1511, to amend title IV of the Social Security Act, to replace the AFDC program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefit improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation program innovation, and organizational renewal, with an amendment in the nature of a substitute. (S. Rept. No. 100-377)

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Measures Passed:

Indian Self-Determination Amendments, 1987: Select Committee on Indian Affairs was discharged from further consideration of H.R. 1223, to amend the Indian Self-Determination and Education Assistance Act with respect to self-determination contracts with Indian tribes and tribal organizations, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1703, Senate companion measure, after agreeing to the committee amendment in the nature of a sub-

stitute, and the following amendments proposed thereto, as follows:

Page 12856

(1) Byrd (for Inouye) Amendment No. 2331, to make technical corrections.

Page 12859

(2) Dole (for Evans) Amendment No. 2332, to establish a Tribal Self-Governance Demonstration Project.

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S. 1703 was subsequently indefinitely postponed.

Page 12862

National Defense Authorizations, 1989: Senate passed H.R. 4264, to authorize funds for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, and to amend the National Defense Authorization Act for fiscal years 1988 and 1989, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2355, Senate companion measure.

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Senate insisted on its amendments, requested a conference with the House thereon, and appointed as conferees Senators Nunn, Stennis, Exon, Levin, Kennedy, Bingaman, Dixon, Glenn, Gore, Wirth, Shelby, Warner, Thurmond, Humphrey, Cohen, Quayle, Wilson, Gramm, Symms, and McCain.

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National Defense Authorizations, 1980: Senate passed S. 2355, to authorize funds for fiscal year 1989 for military activities of the Department of Defense, for military construction and for defense activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after taking action on additional amendments proposed thereto, as follows:

Page 12862

Adopted:

Warner (for Symms) Amendment No. 2333, of a technical nature.

Page 12864

Withdrawn:

(1) D'Amato Amendment No. 2070, to provide for the imposition of the death penalty for drug-related killings.

(2) D'Amato Amendment No. 2070 (to Amendment No. 2070), to provide additional protections for law enforcement officials.

Page 12862

Defense Authorizations Transfers: The Committee on Armed Services was discharged from the further consideration of H.R. 4524, to increase the dollar amount of defense authorizations for fiscal year 1988 that are subject to transfer for new purposes pursuant to law, and the bill was then passed, after striking all after the enacting clause and insert-

ing in lieu thereof the text of section 902 of S. 2355, Senate companion bill, as amended.

Page 12910

Senate insisted on its amendment, requested a conference with the House thereon, and appointed as conferees Senators Nunn, Stennis, Exon, Levin, Kennedy, Bingaman, Dixon, Glenn, Gore, Wirth, Shelby, Warner, Thurmond, Humphrey, Cohen, Quayle, Wilson, Gramm, Symms, and McCain.

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Department of Defense Authorizations, 1989: Senate passed S. 2369, to authorize funds for fiscal year 1989 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof the text of Division A of S. 2355, companion measure, as amended.

Page 12912

Military Construction Authorizations, 1989: Senate passed S. 2370, to authorize funds for fiscal year 1989 for military construction, after striking all after the enacting clause and inserting in lieu thereof the text of Division B of S. 2355, companion measure, as amended.

Page 12940

Department of Energy National Security and Military Applications of Nuclear Energy Authorizations, 1989: Senate passed S. 2371, to authorize funds for the Department of Energy for national defense programs for fiscal year 1989, and to authorize certain National Defense Stockpile transitions, after striking all after the enacting clause and inserting in lieu thereof the text of titles 31 and 32 of S. 2355, companion measure, as amended.

Page 12949

Federal Civil Defense Authorizations, 1989: Senate passed S. 2372, to authorize funds for Federal Civil Defense programs for fiscal year 1989, after striking all after the enacting clause and inserting in lieu thereof the text of title 33 of S. 2355, companion measure, as amended.

Page 12956

Department of Defense Supplemental Authorizations, 1988: Senate passed S. 2373, to authorize supplemental funds for fiscal year 1988 for the Department of Defense, after striking all after the enacting clause and inserting in lieu thereof the text of section 903 of S. 2355, companion measure, as amended.

Page 12956

Authorizing Printing: Senate agreed to S. Res. 437, authorizing the printing of the Standing Rules of the Senate as a Senate document.

Page 13049

National School Lunch Act: Senate passed S. 2156, to amend the National School Lunch Act to require eligibility for free lunches to be based on the non-farm income poverty guidelines prescribed by the Office of Management and Budget, after agreeing to an amendment proposed thereto, as follows:

Byrd (for Leahy) Amendment No. 2334, to clarify provisions relating to the computation of cash compensation to certain school districts, and to permit a State agency to convert additional food funds initially allocated to the State agency for program food purchases to nutrition services and administration funds.

Page 13050

Plant Stress and Water Conservation Research Laboratory: Senate passed S. 1652, to authorize the establishment by the Secretary of Agriculture of plant stress and water conservation research laboratory and program at Lubbock, Texas, after agreeing to the committee amendment and an amendment proposed thereto, as follows:

Byrd (for Leahy) Amendment No. 2335, to clarify provisions of the Agricultural College Act of 1890 relating to appropriations for certain territories and possessions of the United States.

Page 13052

National Recycling Month: Committee on the Judiciary was discharged from further consideration of H.J. Res. 469, to designate June 1988 as "National Recycling Month", and the resolution was then passed.

Page 13057

INF Treaty Approved: By 93 yeas to 5 nays (Vote No. 166), two-thirds of the Senators present having voted in the affirmative, Senate agreed to Treaty Doc. No. 100-11, Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles, after having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, agreeing to a committee condition, as amended, and taking action on additional amendments proposed thereto, as follows:

Page 12786

Adopted:

(1) Dole Amendment No. 2327, to provide that, prior to the exchange of the instruments of ratification pursuant to Article XVII of the Treaty, the President shall certify that it is the common understanding of the United States and the Soviet Union that if either Party produces a type of ground-launched ballistic missile (GLBM) not limited by the Treaty using a stage which is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range GLBM having more than one stage, it may not produce any other stage which

is outwardly similar to, whether or not it is interchangeable with, any other stage of an existing type of intermediate-range GLBM.

Page 12793

(2) By 94 yeas to 4 nays (Vote No. 165), Helms modified Amendment No. 2317, to include in the resolution of ratification a unilateral declaration of the United States regarding Strategic Arms Reduction Talks.

Page 12807

Rejected:

(1) Wallop Amendment No. 2324, to provide for a United States response to possible violations of the INF Treaty. (By 66 yeas to 30 nays (Vote No. 161), Senate tabled the amendment.)

Page 12786

(2) Pressler Amendment No. 2101, to provide for a condition that neither the President nor any other agent of the Executive Branch is authorized to sign or exchange instruments of ratification unless and until the President, without delegation, shall have certified to the United States Senate whether the Union of Soviet Socialist Republics is faithfully meeting its obligations under and is in full compliance with all provisions of the Final Act of the Conference on Security and Cooperation in Europe. (By 86 yeas to 10 nays (Vote No. 162), Senate tabled the amendment.)

Page 12788

(3) Specter Amendment No. 2328, to provide that, such common understanding means a shared interpretation which is both authoritatively communicated to the Senate by the Executive and clearly intended, generally understood and relied upon by the Senate in its advice and consent to ratification. (By 67 yeas to 30 nays (Vote No. 163), Senate tabled the amendment.)

Page 12794

(4) Specter Amendment No. 2329, to provide that there is no intent by the Senate to change the heretofore accepted constitutional law of the United States on treaty ratification as interpreted by the Supreme Court of the United States or the heretofore accepted international law on treaties as interpreted by the Supreme Court of the United States. (By 64 yeas to 33 nays (Vote No. 164), Senate tabled the amendment.)

Page 12801

(5) Helms Amendment No. 2330, to provide for the phased withdrawal of the dependents of all United States military personnel stationed in Europe during the first 29 months after the entry into force of the Treaty, to provide that all military personnel who shall, after the entry into force of the Treaty, be newly assigned to duty on the continent of Europe be so assigned for any tour of duty in excess of 12 months and that such tour shall be unaccompanied, and to provide for the phased withdrawal of

all United States military personnel from the continent of Europe beginning after the completion of the withdrawal of dependents and ending not later than the third year after the entry into force of the Treaty.

Page 12813

Withdrawn:

(1) Symms Amendment No. 2326, to provide that, in authorizing the strength for military and civilian personnel of the Department of Defense for any fiscal year in which personnel of the Department of Defense are to be assigned to on-site inspection activities provided for in the Treaty, account should be taken of the number of such personnel that will be assigned to such activities during such fiscal year.

Page 12792

The cloture motion, filed on May 24, was subsequently vitiated.

Page 12785

Imposition of the Death Penalty—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 2455, providing for the death penalty in the case of drug-related killings.

Page 12863

Budget Resolution Conference Report—Agreement: A unanimous-consent agreement was reached providing for the consideration of the conference report on H. Con. Res. 268, Budget Resolution for 1989, on Monday, June 6.

Page 12959

Railroad Safety Act Conference Report—Agreement: A unanimous-consent agreement was reached providing for the consideration of the conference report on S. 1539, Railroad Safety Act.

Page 13053

Authority for Committees: All committees were authorized to file reports during the adjournment of the Senate on Thursday, June 2, from 10 a.m. until 4 p.m.

Page 13057

Nominations Confirmed: Senate confirmed the following nominations:

Rear Admiral Clyde T. Lusk, Jr., as Vice Commandant, United States Coast Guard, with the grade of admiral while so serving.

Vice Admiral James C. Irwin, as Commander, Atlantic Area, United States Coast Guard, with the grade of vice admiral while so serving.

Lemoine V. Dickinson, Jr., of Virginia, to be a Member of the National Transportation Safety Board.

Michael E. Zacharia, of California, to be an Assistant Secretary of Commerce.

G. Philip Hughes, of Virginia, to be an Assistant Secretary of Commerce.

James P. Moore, Jr., of Pennsylvania, to be an Assistant Secretary of Commerce.

John K. Stewart, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

Alvin H. Bernstein, of Rhode Island, to be a Member of the National Council on the Humanities.

Arthur C. Beale, of Massachusetts, to be a Member of the National Museum Services Board.

Willard A. Boyd, of Illinois, to be a Member of the National Museum Services Board.

Patrick Butler, of Maryland, to be a Member of the National Council on the Humanities.

William P. Wright, Jr., of Texas, to be a Member of the National Council on the Humanities.

Charles R. Ritcheson, of California, to be a Member of the National Council on the Humanities.

Edwin J. Delattre, of Maryland, to be a Member of the National Council on the Humanities.

Carol P. Whitten, of Maryland, to be a Member of the National Advisory Council on Educational Research and Improvement.

Frances Matthews, of Colorado, to be a Member of the National Advisory Council on Educational Research and Improvement.

Richard C. Crawford, of Oklahoma, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation.

Gary E. Wood, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation.

Barry M. Goldwater, Jr., of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation.

Richard V. Backley, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission.

L. Clair Nelson, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission.

Susan S. Suter, of Illinois, to be Commissioner of the Rehabilitation Services Administration, Department of Education.

William G. Cambridge, to be U.S. District Judge for the District of Nebraska.

Richard A. Schell, to be U.S. District Judge for the Eastern District of Texas.

Routine lists of Coast Guard and Public Health Service nominations.

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Statements on Introduced Bills:

Page 12984

Amendments Submitted:

Page 13030

Additional Cosponsors:

Page 13027

Authority for Committees:

Page 13033

Notices of Hearings:

Page 13033

Additional Statements:

Page 13033

Record Votes: Six record votes were taken today. (Total—166)

Pages 12787, 12791, 12800, 12804, 12813, 12849

Recess: Senate met at 10 a.m., and in accordance with H. Con. Res. 306, recessed at 6:41 p.m., until 11 a.m., on Monday, June 6, 1988.

Committee Meetings**NOMINATION**

Committee on Armed Services: Committee concluded hearings on the nomination of Kenneth P. Bergquist, of Virginia, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs, after the nominee testified and answered questions in his own behalf.

LONG TERM CARE ASSISTANCE

Committee on Finance: Subcommittee on Health held hearings on S. 2305, to provide long-term respite care, adult day care, home care, and nursing home care for the elderly, receiving testimony from Representatives Pepper and Daub; Robert M. Ball, former Commissioner, Social Security Administration, and Member, National Commission on Social Security Reform, Louise Crooks, American Association of Retired Persons, Dallas Salisbury, Employee Benefit Research Institute, Val J. Halamandaris, National Association for Home Care, and Paul R. Willging, American Health Care Association, all of Washington, DC; Ruth L. Von Behren, On Lok Senior Health Services, San Francisco, California; and Joan L. Quinn, Connecticut Community Care, Inc., Bristol.

Hearings continue on Friday, June 17.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Robert S. Barrett IV, of Virginia, to be Ambassador to the Republic of Djibouti, Jeffery Davidow, of Virginia, to be Ambassador to the Republic of Zambia, Mary A. Ryan, of Texas, to be Ambassador to the Kingdom of Swaziland, and Philip D. Winn, of Colorado, to be Ambassador to Switzerland, after the nominees testified and answered questions in their own behalf, Mr. Winn was introduced by Senator Armstrong.

PREKINDERGARTEN STUDENTS—FINANCIAL ASSISTANCE

Committee on Labor and Human Resources: Committee concluded hearings on S. 2034, to provide financial assistance for programs for pre-kindergarten students designed to prevent students from later dropping out of school, after receiving testimony from Senator Chiles; Wendy Cullar, Florida Division of Public Education, Tallahassee; Charles Sherwood,

Dade County School System, and Tom Petersen, Florida Assistant State Attorney, both of Miami; Greg Humphrey, American Federation of Teachers, Washington, DC; Alice Honig, Syracuse University, Syracuse, New York; and Pat Desmond, Escambia County School System, Pensacola, Florida.

House of Representatives**Chamber Action**

The House was not in session today. Its next meeting will be held at 1 p.m. on Wednesday, June 1.

Committee Meetings

No Committee meetings were held.

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Wednesday, June 1, 1988**Senate****Chamber Action**

Senate was not in session today. It will next meet on Monday, June 6, at 11 a.m.

Committee Meetings

No committee meetings were held.

House of Representatives**Chamber Action**

Bills Introduced: 11 public bills, H.R. 4717–4727; and 3 resolutions, H. Con. Res. 308, and H. Res. 463 and 464 were introduced.

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Reports Filed: Reports were filed as follows:

Conference report on H.R. 2470, Medicare Catastrophic Protection Act of 1987 (H. Rept. 100–661, foregoing filed on May 31);

Report entitled, "Report on 302(a) Allocations Pursuant to Section 2 of House Resolution 461" (H. Rept. 100–662); and

H. Res. 463, waiving certain points of order against the conference report on H.R. 2470 to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the medicare program and against the